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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION
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14 JAMES ALLEN ROBERTSON,
15 Plaintiff,
16 v.
17 KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
18 Defendant.¹
19
20

No. 1:20-cv-01332-BAM

STIPULATION AND ~~PROPOSED~~ ORDER
TO REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)

21 The parties stipulate, subject to the approval of the Court, that this action shall be
22 remanded to the Commissioner of Social Security pursuant to section 205(g) of the Social
23 Security Act, as amended, 42 U.S.C. § 405(g), sentence four. Upon remand, the Appeals Council
24 will remand the case to an administrative law judge for a new hearing and a new decision. The
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26 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant
27 to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted,
28 therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
U.S.C. § 405(g).

parties further stipulate that the clerk shall enter judgment in favor of Plaintiff and against Defendant.

Respectfully submitted,

DATE: January 20, 2022

s/ Meghan O. Lambert
MEGHAN O. LAMBERT
Attorney for Plaintiff
(authorized via email)

PHILLIP A. TALBERT
United States Attorney

DATE: January 20, 2022

By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Based upon the parties' Stipulation to Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) ("Stipulation"), and for cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings consistent with the terms of the Stipulation. The Clerk of the Court is directed to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

IT IS SO ORDERED.

Dated: January 21, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE